

## **REMARKS**

The Examiner has objected to the misspelling of "diarrhoea" and requested change to --diarrhea--. That has been corrected. The Examiner has likewise objected to the misspelling of colouring and requested change to --coloring--. That has been corrected. Finally the Examiner has objected to the misspelling of alpha-tocoferol and requested change to --alpha-tocopherol--. This too has been corrected.

The Examiner objected under 35 U.S.C. § 112 the use of the term "Isphagula husk" without describing the genus and species and suggests parenthetical addition. Applicant has amended the claim to put in parentheses, as suggested *Plantago ovada*, taken directly from the specification, paragraph 29, line 6. There is therefore no new matter.

The Examiner has objected to some of the language of claims 1, 9, 11 and 13 with regard to uncertainty as to its limits, all under 35 U.S.C. § 112. Most of this has been clarified by amendments to the claims, rendering the rejections moot. There is a clear basis in each instance for the amendments in the language of the specification and the examples. There is therefore no new matter. For example, the examples make clear that the 20-80% by weight of at least one carbohydrate and electrolytes is a mixture that contains at least one carbohydrate and electrolytes. Correction has been provided. Other amendments to clarify make it clear as to the limits, and render the 35 U.S.C. § 112 objections moot.

The Examiner has objected to "FD&C RED #40". It is not believed this objection has merit. It is not a Trademark. It is well known that this reference refers to a standard coloring dye used and approved for food use which is on the FDA GRAS list. Reconsideration is requested.

The Examiner's 35 U.S.C. § 101 objection has been rendered moot by the amendments to the claims referencing the utility of the specification, both in the composition claims and in the

method claims. The method claims were objected to on the basis that they were "use type" or Swiss claims, not commonly accepted in the United States. Those have been amended to provide traditional U.S. method or process claims, wholly accorded with 35 U.S.C. § 101.

Prior art cited by the Examiner for §§ 102 and 103 is rendered moot by the amendments to the claims. None of the claims disclose compositions for treatment of gastrointestinal disorders that contain the low amounts of Isphagula Husk (*Plantago ovata*) and yet achieve the desired benefits. As a result, the claims containing those low amounts, 5-30%, are not suggested by the art and it is surprising that it works at such levels when, for the example, the reference Gerlov shows 40-43%. Reconsideration and allowance is requested, absent art suggesting or teaching the limits in question.

## CONCLUSION

This is a request under the provision of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application for one month from February 3, 2007 to March 3, 2007. Applicant is a small entity; therefore, please charge Deposit Account number 26-0084 in the amount of \$60.00 to cover the cost of the one month extension. Any deficiency or overpayment should be charged or credited to Deposit Account 26-0084.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edmund J. Sease", written in a cursive style.

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